

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

*13337 TRANS*  
*[Protest Alleging IFB specification Was Arbitrary and Unduly Restrictive]*

FILE: B-195820

DATE: April 3, 1980

MATTER OF: Utah Foam Products, Inc.

*DLG 04287*

**DIGEST:**

Requirement in IFB for complete removal of thermal barrier (built-up roof system) for purpose of inspecting steel and wooden roof decking will not be questioned by GAO in absence of evidence that requirement is unreasonable, despite protester's opinion that requirement not necessary.

Utah Foam Products, Inc. (Utah) protests specification No. 5566 of the Army Corps of Engineers in invitation for bids (IFB) No. DACA05-79-B-0106, as arbitrary and unduly restrictive of competition in that the Corps' interpretation of its guide specification excludes its product from consideration for use at Defense Depot, Ogden, Utah. Utah is a manufacturer of spray-applied urethane foam insulation (SUF).

The IFB was issued June 21, 1979, for repair, insulation and reroofing of six warehouse buildings containing Built-Up Roof Systems (BURS). The BURS at Defense Depot are Class I roofs, constructed in layers on a roof deck in the following ascending order: hot asphalt, insulation, several layers of felt and hot asphalt, a flood coat consisting of a heavy layer of asphalt, and a full layer of aggregate. Four of the roofs contained steel decks and two were wood.

The IFB required removal of all layers above the deck, inspection of the roof decks and repair or replacement as necessary, plus reinstallation of a new BURS. It was estimated that 1 percent of the existing roof decks would require replacement. The agency reports that there is in excess of 1,000,000 sq. ft. of roofing involved in the project. Utah's product is not a BURS and therefore, it was effectively foreclosed from bidding.

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On July 23, 1979, Utah filed a formal protest with the Corps, although the protester had been discussing consideration of SUF for use at the Ogden Depot since 1978 with the architects, the Chief, Engineering Division of the Corps, Sacramento, California, and the Corps' Office of the Chief of Engineers, Washington, D.C., among others. In the Corps' denial of August 16, 1979, and in various discussions and correspondence since 1978, Utah was informed that SUF was excluded from the specification for the work at Ogden Depot for safety reasons. The Corps' guide specification No. 07241, as interpreted by the contracting officer and Chief of Engineers, prohibits the use of SUF directly to steel or wood decks, and a new proposed specification authorizes its use only to new construction on concrete roof decks, because of its inherent undesirable smoke and flame-spread characteristics.

Bids were opened on August 15, 1979. One bid from Pacific Ranier Roofing, Inc. (PRR) was received in the amount of \$2,635,100, which was about \$600,000 less than the Government's estimate.

Although the agency has not yet agreed that SUF is an acceptable alternative to the BURS requirement, the thrust of the protest is not the use of SUF per se; it is the specification requirement that all existing roofing materials be removed down to the metal or wood decks to permit inspection and repairs as needed prior to the installation of a new roof. Therefore, while the record is replete with arguments over the general technical merits of SUF, which we initially understood involved the safety considerations with which the Corps was concerned in the use of that material directly over the wood or metal roof decks involved in this project, Utah's final submission to this Office asserts that it "is not advocating that foam be applied direct to metal roof decks. /Utah/ is merely asserting that there is no rational basis to exclude a foam application to the thermal barriers /the existing BURS/ over metal roof decks that are found at the Ogden warehouses."

Thus Utah contends that SUF applied to existing roofing satisfies the Government's minimum requirements in that preservation of the existing "thermal barrier" overcomes the Corps' safety objections to the direct application of SUF to steel or wood decking. These contentions are based on Utah's limited inspection of the interior portion of the steel decks (inspection from below), which it asserts disclosed "no sign of rust or stain" to the steel decking. It is therefore Utah's belief "that very little tear up of the existing Ogden roof decks is warranted" and that "it would be an excessive and unnecessary waste of money to tear up the roof decks and thermal barriers."

Our Office will not question the judgment of contracting officials as to the determination of the Government's minimum needs, unless clearly shown to be unreasonable. See 52 Comp. Gen. 393, 399 (1972). In view of Utah's insistence on applying SUF to the existing "thermal barrier" and its unwillingness to tear up the existing BURS, the question of the reasonableness of the contracting agency's interpretation of its guide specification as excluding the use of SUF on this project is irrelevant. We believe the only issue for consideration is whether the contracting officer's judgment to require complete removal of the existing thermal barrier was unreasonable.

In this regard the agency's requirement to remove the existing "thermal barrier," was based on the technical judgment that removal was the only effective means of determining the full extent of any deterioration to the decking on a project of this size, and Utah has not shown that the agency's conclusion was not in accord with currently accepted roofing practices. Utah's limited examination of the decking from the underside and its conclusion that removal of the "thermal barrier" is not necessary do not persuade us that the agency's technical judgment of its needs was unreasonable. See Holt Brothers-Energy Division, B-184141, September 18, 1975, 75-2 CPD 163.

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The protest is denied.

*Milton J. Fowler*

For the Comptroller General  
of the United States